

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of AIDAN MICHAEL RITCHEY
and JAYSON PATRICK RITCHEY, Minors.

DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

KATHERINE MARIE RITCHEY,

Respondent-Appellant,

UNPUBLISHED

September 15, 2009

No. 290755

Grand Traverse Circuit Court

Family Division

LC No. 07-002152-NA

Before: Servitto, P.J., and Fitzgerald and Bandstra, JJ.

PER CURIAM.

Respondent Katherine Marie Ritchey appeals as of right from the order terminating her parental rights to the minor children pursuant to MCL 712A.19b(3)(c)(i), (g), and (j). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re BZ*, 264 Mich App 286, 296; 690 NW2d 505 (2004). At the time of trial, respondent's older child, Jayson, had not resided with respondent for 30 months, and respondent had relinquished custody of her younger child, Aidan, to a friend when he was approximately one month old. The evidence showed that respondent has difficulty caring for both children and easily becomes overwhelmed by Jayson's high activity level and Aidan's need for soothing. Jayson reacts emotionally when Aidan becomes "fussy," and respondent becomes distressed and struggles to care for and soothe both children. The foster mother did not have similar difficulties caring for both children. Respondent became angry when the caseworker did not help her parent the children during visitation. Moreover, Aidan was observed eating sand from a sandbox and both children placed pennies in their mouths during visitation at respondent's home. The caseworker never felt comfortable leaving respondent alone with the children in her apartment.

The evidence also showed that Jayson suffers from reactive attachment disorder, ADHD, and early childhood neglect for which he takes three different medications. He attends weekly case management and play therapy sessions, which have helped him behaviorally and academically. Stabilization within the home, consistency, and clear boundaries and expectations are crucial for Jayson's continued progress.

The evidence showed that respondent does not have the ability, knowledge, or understanding to provide a home with adequate structure and behavior management, and that her lack of commitment and investment in Jayson's treatment evidences that she does not appreciate his need for services that will lead to his higher functioning. Respondent attended only 13 of Jayson's 20 case management sessions, and neglected to give Jayson his medication during a visit to her home. Without the medication, Jayson is unstable.

Respondent also failed to comply with the requirement that she obtain safe, appropriate housing. Although she obtained a two-bedroom apartment that the caseworker at one time deemed appropriate, she thereafter allowed Carl Noah, Aidan's father, to move in with her. Noah has a lengthy assaultive criminal history, refuses to take medication for his bipolar disorder, and has tested positive or failed to appear for numerous drug tests. Respondent was repeatedly informed that she would be permitted only supervised visitation as long as Noah continued to reside with her. Although respondent indicated her intent that Noah move out, the evidence showed that he never did, despite respondent's claims to the contrary. There were indications that Noah was still living with respondent on January 29, 2009, after trial had begun.

Further, respondent failed to sufficiently address her own mental health issues. She failed to take her medications and attend her medical appointments. Although she made significant progress regarding her depression, she canceled numerous therapy sessions and her progress plateaued. After repeatedly missing sessions for a two-to-three month period, respondent became angry and terminated her therapy sessions when her therapist suggested that she take steps to remove Noah's name from her address. Respondent thereafter requested a different therapist who did not discuss respondent's relationship with Noah.

The trial court did not clearly err in finding that the conditions that led to the adjudication continued to exist and were not likely to be rectified within a reasonable time. The trial court also did not clearly err in finding that respondent failed to provide proper care or custody for the children, that there existed no reasonable expectation that she would be able to do within a reasonable time, and that there existed a reasonable likelihood that the children would be harmed if returned to respondent's care.

Affirmed.

/s/ Deborah A. Servitto
/s/ E. Thomas Fitzgerald
/s/ Richard A. Bandstra